

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ROCCO A. MARCHETTA,

Plaintiff,

v.

**CITY OF BAYONNE STATE OF NEW
JERSEY, *et al.*,**

Defendants.

Civ. No. 2:12-cv-02696 (WJM)

OPINION

WILLIAM J. MARTINI, U.S.D.J.:

This matter comes before the Court on *pro se* Plaintiff Rocco A. Marchetta's request for a preliminary injunction. Plaintiff owns a piece of property on West 33rd Street in Bayonne, New Jersey. Plaintiff received a series of citations from the City of Bayonne for failing to maintain the property in accordance with city ordinances. As a result of these citations, the State of New Jersey filed an action against Plaintiff in Bayonne Municipal Court. Those proceedings are currently pending before the Honorable Frank T. Carpenter III. After the state court action was filed, Plaintiff filed the current action in this Court against the City of Bayonne and one of the City's property code enforcement officers, alleging that Defendants violated a litany of his constitutional rights. Plaintiff seeks damages for these constitutional violations, in addition to a "procedural injunction to stop the municipal court from their [sic] wrongful acts and procedure." Request Order for Preliminary Injunction at 2, ECF No. 1-1.

Under the Anti-Injunction Act, “[a] court of the United States may not grant an injunction to stay proceedings in a State court except as expressly authorized by Act of Congress, or where necessary in aid of its jurisdiction, or to protect or effectuate its judgments.” 28 U.S.C. § 2283. The Supreme Court has explained that the Anti-Injunction Act “is an absolute prohibition . . . against enjoining state court proceedings, unless the injunction falls within one of three specifically defined exceptions.” *Atlantic Coast Line R. Co. v. Brotherhood of Locomotive Engineers*, 398 U.S. 281, 286 (1970). As none of the three specifically defined exceptions apply here, this Court is prohibited from granting an injunction to stay the proceedings in Bayonne Municipal Court.

Accordingly, Plaintiff’s request for a preliminary injunction is **DENIED**. An appropriate order follows.

/s/ William J. Martini
WILLIAM J. MARTINI, U.S.D.J.

Date: June 5, 2012